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PART – I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN, PLOT NO. 2, SECTOR-17, PANCHKULA, HARYANA-134109

Order

The 19th January, 2021

No. SEC/3ME/2021/458-497.— The General Election of Municipal Corporation, Rohtak was held on 16.12.2018 and the result of the elected candidates was declared on 19.12.2018.

2. Section 8B of the Haryana Municipal Corporation Act, 1994, every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 8E of the Haryana Municipal Corporation Act, 1994 further provides that if the State Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and manner, as prescribed by the State Election Commission and has no reason or justification thereof, the State Election Commission shall, by order published in the Official Gazette, declare him to be disqualified for contesting an election for a period of five years from the date of the order under this Act.

4. In pursuance of the above provisions, the State Election Commission, Haryana vide its Notification No. SEC/3ME/2017/879, dated 18.05.2017 and Notification No. SEC/3ME/2018/5582, dated 14.11.2018 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, Sub-section 3 of Section 8B of the Haryana Municipal Corporation Act, 1994 had prescribed the limit of expenditure of Rs. 5,00,000/- for the member and Rs. 20,00,000/- for the Mayor that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Corporation, Rohtak and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 9(1A) of the Haryana Municipal Corporation Act, 1994 authorized Assistant State Election Commissioner, State Election Commission, Haryana vide order No. SEC/1ME/2020/1833, dated 12.11.2020 to decide the cases of disqualification of the candidates, who failed to lodge their account of election expenses within the prescribed time.

6. As reported by the Deputy Commissioner, Rohtak, the following candidates had contested the election of Municipal Corporation Rohtak held on 16.12.2018 but failed to submit their election expenditure account :-

Sr. No.	Name of Candidate	Ward No.
1.	Pawan s/o Sat Narayan	Mayor
2.	Asha w/o Raj Singh	1
3.	Sushila Indora w/o Om Parkash	2
4.	Anju w/o Pardeep	2
5.	Dipika w/o Jogenderpal	2
6.	Naveen Kumar s/o Shyam Lal	3
7.	Suresh Chand s/o Shivjimal	4
8.	Raj Rani w/o Dharmender	4
9.	Meenakshi w/o Pawan Kumar	5
10.	Saroj Bala w/o Hansraj	5
11.	Om Parkash s/o Mange Ram	6
12.	Ajay Kumar s/o Ram Singh	7
13.	Sh. Baljeet Singh s/o Sh. Chandgi Ram	7
14.	Rajbir Singh s/o Chander Singh	8
15.	Luvkush s/o Kartar Singh	8
16.	Ritu w/o Manmohan	10
17.	Smt. Yashwanti w/o Sh. Jagdish	13
18.	Rahul s/o Ishwar Chauhan	15
19.	Priya w/o Ajay	16
20.	Poonam w/o Vinod	16
21.	Anita Bhatia w/o Surender Kumar Bhatia	19
22.	Usha Rani w/o Naresh Kumar	19
23.	Rekha Rani w/o Birender Batra	19
24.	Pooja w/o Anil	20
25.	Monika Singh w/o Jogender Singh	20
26.	Sunita w/o Harish Chand	20
27.	Karamvir s/o Manphool Singh	21
28.	Praveen Kaushik s/o Shiv Narayn	21
29.	Bijender Singh s/o Ved Parkash	21
30.	Shiv Narayan s/o Risal Singh	21
31.	Satvinder Singh s/o Balwant Singh	21
32.	Sanjeet s/o Devender Kumar	21
33.	Sandeep s/o Om Parkash	21
34.	Sonu w/o Sunil Kumar	21
35.	Som Lata w/o Narender Singh	21

7. The Commission had served a show cause notice upon them to explain as to why they should not be disqualified on account of non submission of election expenditure account within the period. They neither submitted their election expenditure statement nor responded to the show cause notice. I, had given them an opportunity of personal hearing on 21.12.2020 at 12.30 PM in the office of State Election Commission, Haryana, "Nirvachan Sadan", Plot No. 2, Sector-17, Panchkula in the interest of natural justice. Superintendent, Municipal Corporation, Rohtak sent a letter dated 01.12.2020. It has been observed that notice of personal hearing has been delivered to all the candidates in person or through their family members.

8. The contesting candidates mentioned at Sr. No.1 to 12, 14 to 16, 19, 20 and 22 to 35 neither appeared before me nor filed any representation. Therefore, it can be concluded that they have nothing to say in the matter. Hence, they are proceeded ex-parte. The above noted candidates deserve to be disqualified.

9. Candidates mentioned at Sr. No. 13, 17, 18 and 21 did not appear for personal hearing. Expenditure register of candidate mentioned at Sr. No. 13 was received in the Commission. In response to the notice of personal hearing he has sent an email stating therein that:-

“I have yesterday received one letter from DC Rohtak regarding the personal hearing regarding the non-submission of the expenditure of the said election. Here I want to clear one thing that, I have already submitted my expenditure details as I mentioned in the para No. 1. Kindly consider this mail my reply I am diabetic patient and as well as hypertension too and also above 69 years old and none of my family member is here that I can come to Panchkula to join physical hearing as notice issued No. SEC/3ME/2020/2477, dated 26.11.2020.”

Election expenditure statement was required to be submitted within thirty days after the declaration of election result. But the said candidate has not explained the reason of filing election expenditure statement beyond prescribed time limit. Thus it is presumed that the said candidate has failed to file his election expenditure within the prescribed time limit and deserves to be disqualified.

10. Candidate mentioned at Sr. No. 17 has submitted her election expenditure statement on 08.03.2019 but did not appear for personal hearing as she was not residing at the address given by her at the time election. She was informed telephonically to submit the reason for not submitting the election expenditure register within the prescribed time limit but she had not submitted any reason in this regard, hence presumed that she has failed to file her election expenditure within the prescribed time limit and deserve to be disqualified.

11. Candidate mentioned at Sr. No. 18 has submitted his election expenditure statement on dated 20.03.2020 but did not appear for personal hearing neither he submitted any reason of filing the election expenditure beyond the prescribed time limit hence presumed that the candidate has failed to file his election expenditure within the prescribed time limit and deserve to be disqualified.

12. Candidate mentioned at Sr. No. 21 did not appear for personal hearing and has sent an email dated 01.12.2020 stating therein that :-

“I Anita Bhatia, former candidate from ward No. 19 MC Rohtak has received a notice No. SEC/3ME/2020/2122 for not giving the detail of expenditure in elections. I would like to tell you that I have already submitted all the documents of expenditure details on 15th December, 2018 in Jila Vikas Bhawan Rohtak. Being a diabetic patient I cannot travel much in this COVID times. Kindly do the needful and oblige and consider this reply as the final statement.”

The said candidate has not send any receipt with the above said statement which proves that she had deposited her election expenditure statement, the Deputy Commissioner Rohtak has already informed that the said candidate has not deposited her election expenditure statement. In view of report of the DC Rohtak and non submission of receipt of depositing the election expenditure statement it is concluded that the said candidate has failed to file her election expenditure statement within the prescribed time limit and disserve to be disqualified.

13. Hence I, Parmal Singh, Assistant State Election Commissioner, Haryana, hereby order that all the above mentioned 35 candidates mentioned in para 6 are disqualified under section 8E of the Haryana Municipal Corporation Act, 1994 for being chosen as, and for being a member of Municipality for a period of five years from the date of this order.

14. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Rohtak immediately.

Panchkula :
The 18th January, 2021.

PARMAL SINGH,
Assistant State Election Commissioner, Haryana.